

FIFTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, March 18, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal of Saturday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 338, being "An act to amend section 3 of an act entitled an act to provide for the appointment of receivers, and to define their powers and duties and to regulate proceedings under such appointments of receivers, approved April 2, 1887,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 248, being "An act to provide for appeals in certain cases from the action of the commissioners' courts, sitting as a board of equalization,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared

Senate bill No. 214, being "An act to provide for the issuance of bonds of this State to supply deficiencies in the revenue and to provide the manner of the sale of said bonds to the Board of Education for the permanent University fund,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 188, being "An act to provide for the payment of the bonds of the State issued under an act of the Legislature approved August 5, 1870,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 206, being "An act to protect the buffalo, deer and antelope in this State from wanton destruction."

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 300, being "An act to amend article 4263 of the Revised Statutes,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

BILLS AND RESOLUTIONS.

By Senator Woodward:

A bill to be entitled "An act to provide for the sale of the Island lands and the disposition of the proceeds arising therefrom."

Referred to Committee on Public Lands."

By Senator Claiborne:

A bill to be entitled "An act to amend article 1066, of the Code of Criminal Procedure of the State of Texas."

[Relates to allowance for guards, and providing that in counties where the population may be equal to or exceed twenty thousand, the commissioners' court may increase the allowance to two dollars and fifty cents per day.]

Referred to Judiciary Committee No. 2.

By Senator Kimbrough:

A bill to be entitled "An act to amend an act to amend articles 8 and 14 of an act entitled an act to redistrict the State into judicial districts and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fortieth judicial district of the State of Texas, fix the time for holding court therein and provide for the appointment of a district judge for said district, as amended by the Nineteenth Legislature, approved March 27, 1885."

Referred to Committee on Judicial Districts.

By Senator Finley:

A bill to authorize county attorneys to appoint not exceeding two assistant county attorneys in each county, define their duties and qualifications, and provide for their compensation.

Referred to Judiciary Committee No. 2.

By Senator Allen:

Joint resolution providing for appointment of three persons annually to visit the penitentiaries and report to the Governor all whom in their judgment should be pardoned.

Referred to Committee on Penitentiaries.

On motion of Senator Glasscock,

Senator Stephens was excused until Wednesday on account of important business.

On motion of Senator Frank,

Senator Sims was excused from last Wednesday until this morning, on account of important business; and

The Doorkeeper, A. J. Dorn, was excused till next Wednesday, on account of sickness.

On motion of Senator Upshaw,

Senator Jarvis was excused till tomorrow on account of sickness in his family.

On motion of Senator Allen,

Senate bill No. 133, a bill to be entitled "An act to provide against the sale of unlawful weapons to minors and to affix a penalty for the violation thereof;"

And

Substitute House bills Nos. 22 and 187, a bill to be entitled "An act to amend article 2979, of title 54, of Revised Civil Statutes of the State of Texas,"

Were made the special order for next Wednesday after the morning call.

Senator Morris called up Senator Seale's motion to reconsider the vote by which the Senate passed

House bill No. 342, a bill to be entitled "An act to restore the jurisdiction of the county courts of the counties of Greer, Henderson and Donley, and to repeal all laws in conflict therewith."

The vote was reconsidered, and the bill was laid before the Senate.

Senator Morris moved to amend by striking out Henderson county, wherever it occurs in the bill.

Adopted by the following vote:

YEAS—26.

Abercrombie,
Allen,
Armistead,
Atlee,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Finley,
Frank,
Glasscock,
Harrison,

Ingram,
Kimbrough,
Lane,
Maetze,
McDonald,
Morris,
Seale,
Simkins,
Sims,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—2.

Burgess.

Johnson.

The bill as amended was passed by the following vote:

YEAS—26.

Abercrombie	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—2.

Burgess, Johnson,

On motion of Senator McDonald,
The regular order of business was
suspended to take up

House bill No. 241, a bill to be entitled "An act to legalize the donation of property to establish or assist in establishing professorships and scholarships in the University of Texas, or any of its branches, and to provide for the protection and the security of their benefits in accomplishing the objects of their donors."

The bill was laid before the Senate,
read the second time and passed to its
third reading.

On motion of Senator McDonald,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—26.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—none.

ABSENT—2.

Burgess, Johnson.

The bill was read the third time and
passed by the following vote:

YEAS—26.

Abercrombie,	Ingram.
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—2.

Burgess, Johnson.

On motion of Senator Abercrombie,
Substitute House bill No. 574, a bill
to be entitled "An act to amend chapter 11, title LXXXIV, of the Revised Civil Statutes of the State of Texas, so as to add thereto another article, to be known as article 4260a,"

Was taken up out of its regular order
and read the second time,

With a committee amendment.

Senator Abercrombie moved to

Amend by striking out all of section 1 after the the words "article 4260a," and insert the following in lieu thereof:

That in case of any such sale heretofore or hereafter made of the road bed, track, franchise or chartered right a railway company or any part thereof, as mentioned in article 4260 above, the purchaser or purchasers thereof and their associates shall be entitled to form a corporation under chapter 1 of this title for the purpose of acquiring, owning, maintaining and operating the portion of the road so purchased as if such road or portion of the road were the road intended to be constructed by the corporation, and when such charter has been filed the said new corporation shall have all the powers and privileges conferred by the laws of this State upon chartered railroads, including the power to construct and extend; provided, that notwithstanding such incorporation, the portion of the road so purchased shall be subject to the same liabilities,

claims and demands in the hands of the new corporation or in the hands of the purchaser or purchasers thereof; provided, that by such purchase of the organization no rights shall be acquired under any former charter or law in conflict with the provisions of the present Constitution in any respect; nor shall the main track of any railroad once constructed and operated be abandoned or removed.

On motion of Senator Field,
The bill and amendments were postponed until to-morrow after morning call.

After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate,

Senate bill No. 346, a bill to be entitled "An act to define the Fourth judicial district of the State of Texas, to prescribe the times for holding the terms of the district court therein, to provide for the appointment and election of the district judges and district attorneys in said district, and to repeal all laws and parts of laws in conflict therewith."

And

Senate bill No. 347, a bill to be entitled "An act to create the Forty-eighth judicial district of the State of Texas, to fix the time for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the same, and to repeal all laws and parts of laws in conflict therewith."

On motion of Senator Claiborne,

Senate bill No. 356, a bill to be entitled "An act requiring each county clerk in the State of Texas to keep a record of the death of all persons dying in the county, and requiring physicians, justices of the peace, and coroners to make a report of all deaths within their knowledge to the county clerks, and providing fees for the same,"

Was laid before the Senate and read the second time.

Senator Upshaw moved to lay the bill on the table, subject to call.

Lost.

Senator Kimbrough moved to amend section 2 by adding the following:

"And any physician, coroner or justice of the peace, who shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished

by fine in any sum not exceeding five dollars."

Senator Morris moved to table the amendment.

Adopted by the following vote:

YEAS—17.

Armistead,	Lane,
Burges,	Maetze,
Claiborne,	McDonald,
Cranford,	Morris,
Field,	Seale,
Finley,	Sims,
Frank,	Tyler,
Harrison,	Upshaw.
Ingram,	

NAYS—8.

Allen,	Glasscock,
Atlee,	Kimbrough,
Burney,	Townsend,
Davis,	Woodward.

ABSENT—2.

Abercrombie, Johnson.

The bill was ordered engrossed.

Senator Claiborne moved to suspend the constitutional rule to put the bill on its third reading and final passage.

Lost by the following vote:

YEAS—18

Atlee,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	McDonald,
Cranford,	Seale,
Field,	Sims,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Woodward.

NAYS—7.

Allen,	Harrison,
Armistead,	Morris,
Davis,	Upshaw.
Finley,	

ABSENT—3.

Abercrombie, Simkins.
Johnson,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 346, a bill to be entitled "An act to define the Fourth judicial district of the State of Texas, to prescribe the times for holding the terms of the district court therein, to provide for the appointment and election of the district judges and district attorneys in said district, and to repeal all laws and parts of laws in conflict therewith,"

Under a suspension of the constitutional rule, and by a two-thirds vote—yeas, 75; nays, none.

And

Senate bill No. 347, a bill to be entitled "An act to create the Forty-eighth judicial district of the State of Texas, to fix the time for holding the courts therein, and to provide for the appointment and election of judges and district attorneys in the same, and to repeal all laws and parts of laws in conflict therewith," under a suspension of the constitutional rule and by a two-thirds vote—yeas, 72; nays, 2.

W. M. INBODEN,

Chief Clerk House of Representatives.

On motion of Senator Davis,

The regular order of business was suspended to take up

Senate bill No. 197, a bill to be entitled "An act to amend article 4520 of chapter 1, title XCI of the Revised Civil Statutes of the State of Texas."

The bill was laid before the Senate and was read the second time, with a favorable report.

Senator Davis moved to

Add to line 23, third page, the following: "And a list of these appointments shall be posted up in a conspicuous place in the clerk's office, so that all can see them."

Adopted.

Senator Field offered the following amendment: Amend the bill by adding to section 1 the following:

Provided further, that no person shall be appointed a deputy sheriff who stands convicted for a felony, and an indictment for a felony of any deputy sheriff appointed shall operate a revocation of his appointment as such deputy sheriff.

Adopted.

Senator Davis offered the following amendment:

Whereas, the near approach of the end of this session renders it improb-

able that this bill may be read on three several days, an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted.

Senator Upshaw moved to

Amend in line 20, by saying "not exceeding one of each justices' precinct," instead of "one for each five thousand inhabitants."

Withdrawn.

Senator Tyler moved to

Amend by striking out the words "census of the United States of America" and insert "tax roll of said county."

Withdrawn.

Senator Frank moved to

Amend by adding to the end of 4525 "provided, that any sheriff may appoint as many deputies as there are justice precincts in the county."

Withdrawn.

Senator Kimbrough moved to

Amend by adding the following at end of section: "Provided, that any sheriff may appoint one deputy in addition to the above enumerated for each justice's precinct, in addition to the precinct where the county site is situated."

Adopted.

Senator Sims moved to

Amend by adding to end of section 1, "and all sheriffs having more deputies than are provided for in this act, shall make the number of his deputies conform to the provisions of this act."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Frank, the constitutional rule was suspended to put the bill on its third reading and final passage, by the following vote:

YEAS—27.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—2.

Johnson, Pope.

The bill was read the third time and passed.

On motion of Senator Townsend

The regular order of business was suspended to take up

Senate bill No. 244, a bill to be entitled "An act to amend article 4466 of the Revised Civil Statutes of the State of Texas,"

By the following vote:

YEAS—26.

Abercrombie,	Harrison,
Allen,	Ingram,
Armistead,	Kimbrough,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.

NAYS—1.

Lane.

ABSENT—2.

Johnson, Pope.

The bill was laid before the Senate, and read the second time.

Senator Upshaw moved to

Amend by inserting "not to exceed" before the word "two thousand" and strike out the words "no more."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Armistead,

The regular order of business was suspended to take up

House bill No. 591, a bill to be entitled "An act to vest in the United States of America exclusive jurisdiction over the site and grounds for a public building in the town of Texarkana, Texas."

The bill was laid before the Senate, read the second time and passed to its third reading.

On motion of Senator Armistead,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie, Ingram,

Allen,
Armistead,
Atlee,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Finley,
Frank,
Glasscock,
Harrison,

Kimbrough,
Lane,
McDonald,
Morris,
Seale,
Simkins,
Sims,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—3.

Burges, Maetze,
Johnson, Pope.

The bill was read third time, and Passed by the following vote:

YEAS—26.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—3.

Claiborne, Pope.
Johnson,

On motion of Senator Tyler,

The regular order of business was suspended to take up

Substitute Senate bill No. 323, a bill to be entitled "An act to provide for the location of certain land certificates heretofore issued to indigent veterans and surviving soldiers of the Texas Revolution and others, and the issuance of patents in such cases and other cases,"

By the following vote:

YEAS—21.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Seale,
Claiborne,	Sims,

Cranford,
Glasscock,
Harrison,
Ingram,

Tyler,
Upshaw,
Woodward.

NAYS—5.

Field,
Finley,
Frank,

Simkins,
Townsend.

ABSENT—3.

Davis,
Johnson,

Pope.

The bill was laid before the Senate and read the second time, with a majority (favorable) and minority (unfavorable) report.

(Senator Lane in the chair.)

On motion of Senator Tyler, the majority (favorable) committee report was adopted.

Senator Sims moved to

Amend by striking out all between the word "certificate," in line 9, and the word "issue," in line 12, page 11, and strike out all between the word "certificates," in line 22, and the word "issue," in line 25, and between the word "acts," end of line 2, section 2, and the word "are," line 4, section 2, page 2.

Lost.

(The President in the chair.)

Senator Glasscock moved to

Amend section 3 by adding thereto the following: "And such original grantee of such patents, or his heirs, who have had their patents cancelled, shall have the right to have their patents restored which were cancelled, and a new patent issued on said land by the first day of January, 1890. Provided, said land for which the patent was cancelled has not been relocated by another genuine certificate or survey, as provided in this act, prior to the passage of this act."

Withdrawn.

Senator Tyler moved to

Amend caption by adding thereto the following words: "And to extend the provisions of the act of April 1, 1887, to the 1st day of January, 1890."

Adopted.

Senator Tyler moved to add:

Section 5. The near approach of the close of the present session of the Legislature and the fact that the veterans of Texas are very old, and whatever Texas does for them should be done quickly, create an emergency and an imperative public necessity for the suspension of the constitutional rule requiring all bills to be read on three several days, and said rule is hereby suspended, and that

this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

On motion of Senator Upshaw,

The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

No quorum present.

Senator Kimbrough moved a call of the Senate.

Call sustained.

Absent without excuse:

Senators Abercrombie, Atlee, Burgess, Davis, Harrison, Ingram, Johnson, Maetze, McDonald, Pope, Seale, Simkins, Townsend, Upshaw and Woodward.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Abercrombie, Atlee, Burgess, Harrison, Ingram, Maetze, McDonald, Townsend and Woodward were announced at the door.

On motion of Senator Frank

The call was suspended.

On motion of Senator Kimbrough, Senator Johnson was excused for to-day, on account of important business.

On motion of Senator Frank,

Senator Seale was excused for to-day on account of sickness.

Substitute Senate bill No. 323, the bill pending on adjournment at noon, was again submitted to the Senate.

Senator Claiborne moved to add

"Section 5. The lands located and patented under the provisions of this act, shall inure to and become the property of the original grantee in said certificate, or to his or her heirs, and no sale, transfer or assignment heretofore made thereto, shall convey any right to the land herein granted."

(Senator McDonald, President pro tem., in the chair.)

Senator Armistead moved to

Amend by adding section 4, and change section 4 to 5, and section 5 to 6:

"Section 4. All land certificates hereafter located under this act shall be located as alternate certificates, the even numbered sections to be set apart for the common school fund, and the Commissioner of the General Land Office shall forthwith have surveyed for the common school fund an equal

number of acres of land to the amount for which the surveys and locations are validated by the provisions of this act."

Senator Burney moved the previous question on the bill and the amendments.

Seconded.

Main question ordered.

Senator Claiborne's amendment was lost by the following vote:

YEAS—9.

Abercrombie,	Field,
Allen,	Harrison,
Armistead,	Ingram,
Claiborne,	Morris,
Cranford,	

NAYS—13.

Atlee,	Kimbrough,
Burges,	McDonald,
Burney,	Sims,
Davis,	Tyler,
Finley,	Upshaw,
Frank,	Woodward,
Glasscock,	

ABSENT—5.

Lane,	Simkins,
Maetze,	Townsend,
Pope,	

Senator Armistead's amendment was

Adopted by the following vote:

YEAS—15.

Abercrombie,	Finley,
Allen,	Frank,
Armistead,	Harrison,
Atlee,	Kimbrough,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Sims,
Field,	

NAYS—7.

Burges,	Tyler,
Davis,	Upshaw,
Glasscock,	Woodward,
Ingram,	

ABSENT—6.

Johnson,	Pope,
Lane,	Simkins,
Maetze,	Townsend,

(The President in the chair.)

The bill as amended was ordered engrossed by the following vote:

YEAS—18.

Abercrombie	Glasscock,
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Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Field,

Ingram,
Kimbrough,
McDonald,
Morris,
Sims,
Tyler,
Upshaw,
Woodward.

NAYS—4.

Allen,	Frank,
Finley,	Harrison,

ABSENT—6.

Johnson,	Pope,
Lane,	Simkins,
Maetze,	Townsend,

Substitute Senate bill No. 188, a bill to be entitled "An act to provide for the payment of the bonds of the State, issued under an act of the Legislature, approved August 5, 1870,"

Was laid before the Senate, read the third time and passed by the following vote:

YEAS—22.

Abercrombie,	Frank,
Allen,	Glasscock,
Armistead,	Harrison,
Atlee,	Ingram,
Burges,	Kimbrough,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Sims,
Davis,	Tyler,
Field,	Upshaw,
Finley,	Woodward,

NAYS—None.

ABSENT—5.

Lane,	Simkins,
Maetze,	Townsend,
Pope,	

By leave,
Senator Sims sent up by request,
A bill to be entitled "An act for the relief of Oscar Martin."

Referred to Committee on Claims and Accounts.

Senate bill No. 214, a bill to be entitled "An act to provide for the issuance of bonds of this State to supply deficiencies in the revenue, and to prescribe the manner of sale of said bonds to the Board of Education for the permanent University fund,"

Was laid before the Senate, read the third time and

Passed by the following vote:

YEAS—22.

Abercrombie,	Frank,
Allen,	Glasscock,
Armistead,	Harrison,
Atlee,	Ingram,
Burges,	Kimbrough,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Sims,
Davis,	Tyler,
Field,	Upshaw,
Finley,	Woodward.

NAYS—None.

ABSENT—6.

Johnson,	Pope,
Lane,	Simkins,
Maetze,	Townsend.

Senate bill No. 206, a bill to be entitled "An act to protect the buffalo, deer and antelope in this State, from wanton destruction,"

Was laid before the Senate, read the third time and passed.

Senate bill No. 248, a bill to be entitled "An act to provide for appeals in certain cases from the action of commissioners' court sitting as a board of equalization,"

Was laid before the Senate, read the third time and passed.

Senate bill No. 300, a bill to be entitled "An act to amend article 4463, of chapter 1, title 88, of the Revised Civil Statutes," was laid before the Senate and read the third time.

On motion of Senator Armistead,

The bill was postponed till to-morrow.

On motion of Senator Burney,

Senate bill No. 167, a bill to be entitled "An act to provide for setting apart the excess in surveys of land made for railway or internal improvement or other purposes, and declaring the same to be a part of the public free school lands of the State, and to provide for setting apart the same for the use of the public free schools of the State,"

Was submitted to the Senate with House amendments.

On motion of Senator Burney

The Senate refused to concur in the House amendments.

House bill No. 84, a bill to be entitled "An act to amend section 3, of an act entitled an act to amend articles 4662, 4664 and 4665 chapter 1, title 95 of the Revised Civil Statutes as amended March 24, 1881, approved March 4, 1882,"

Was submitted to the Senate as unfinished business.

On motion of Senator Burges, the bill was postponed till to-morrow.

On motion of Senator Davis,

House bill No. 410, a bill to be entitled "An act to amend an act passed at the regular session of the Twentieth Legislature, and approved April 2, 1887, entitled an act to amend articles 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes for the protection of fish and game, approved March 15, 1881,"

Was taken up out of its regular order and read the second time with committee amendments.

The first committee amendment was adopted.

On motion of Senator Woodward,

The matter was postponed till to-morrow and ordered to be printed.

On motion of Senator Morris,

Senate bill No. 307, a bill to be entitled "An act regulating the issuance of warehouse receipts and bills of lading, making the same negotiable and providing penalties for the violation of the provisions hereof,"

Was taken up out of its regular order.

The bill was laid before the Senate, read the second time and ordered engrossed.

On motion of Senator Finley,

Senate bill No. 350, a bill to be entitled "An act to amend section 1 of an act to provide for a more speedy counting of the vote at special and general elections, and to pay the judges and clerks for the same, approved March 14, 1887,"

Was laid before the Senate on its second reading.

The bill was read the second time and ordered engrossed.

On motion of Senator Glasscock,

The regular order was suspended and Senate bill No. 174, a bill to be entitled "An act to provide for the giving notice of the pendency of actions and proceedings in the courts of this State affecting titles to real property, and for the registration of such notices," was laid before the Senate.

The bill was read the second time.

On motion of Senator Abercrombie,

The bill was postponed till to-morrow.

On motion of Senator Frank,

Senate bill No. 232, a bill to be entitled "An act to amend article 1535, chapter 1, title XXXII, of the Revised

Civil Statutes of the State of Texas, and to repeal section 1, chapter 98, of the general laws passed by the Nineteenth Legislature, approved March 31, 1885."

Was taken up out of its regular order.

The bill was read the second time and ordered engrossed.

On motion of Senator Atlee, Senate bill No. 95, a bill to be entitled, "An act to amend article 1706 of the Revised Statutes of the State of Texas,"

Was taken up out of its regular order and read the second time.

Senator Armistead moved to

Add to section 1: "And the court may direct said managers and officers of elections to correct and perfect any irregularities that may exist in their returns of the election."

Adopted.

The bill, as amended, was ordered engrossed.

On motion of Senator Kimbrough, The regular order of business was suspended to take up

Senate joint resolution No. 19, joint resolution to amend section 9, article 8 of the Constitution of the State of Texas.

The resolution was laid before the Senate and read the second time.

Senator Kimbrough moved to

Amend section 2 by striking out all after the word "State," in line 3 and insert the following: "At the next general election."

Adopted.

Senator Kimbrough moved to

Amend section 1 by adding the following: "And the Legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws."

Adopted.

The resolution as amended was ordered engrossed.

The President referred House substitute for Senate bill No. 191 to Committee on Counties and County Boundaries.

Senator Davis sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 346, being "An act to define the Fourth judicial district

of the State of Texas, to prescribe the time for holding the term of the district court therein, to provide for the appointment and election of the district judges and district attorneys in said district, and to repeal all laws and parts of laws in conflict therein,"

And find the same correctly enrolled, and have this day, at 12:55 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 347, being "An act to create the Forty-eighth judicial district of the State of Texas, to fix the time for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the same, and to repeal all laws and parts of laws in conflict therewith,"

And find the same correctly enrolled, and have this day, at 12:55 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

By leave Senator Sims sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 364, entitled "An act to amend an act, to amend articles 8 and 14 of an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fortieth judicial district of the State of Texas, fixing the time for holding court therein, and provide for the appointment of a district judge for said district as amended by the Nineteenth Legislature, approved March 27, 1885,"

Have had the same under consideration, and instruct me to report it back

to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Senator Frank moved to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 62, a bill to be entitled "An act to amend sections 1, 5 and 15 of an act entitled an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof, approved March 30, 1887."

The vote was reconsidered, and

On motion of Senator Frank,

The Senate refused to concur in the House amendments.

On motion of Senator Abercrombie, Substitute House bills Nos. 60, 170, 340, 341, 385, 395, 484, 414 and 462, a bill to be entitled "An act to amend chapter 2, title 15, of the Code of Criminal Procedure, by adding thereto article 1057a,"

Was taken up out of its regular order and read the second time.

On motion of Senator Field, the bill was postponed subject to call.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bill:

House substitute for Senate bill No. 191, a bill to be entitled "An act to amend section 1, chapter 4 of an act entitled an act to create the county of Brewster and provide for its organization, approved February 2, 1887. And also to amend section 1, chapter 38, of an act entitled an act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio, approved March 15, 1887, and to more particularly define, fix and establish the boundary lines of said counties,"

Under a suspension of the constitutional rule and by a two-thirds vote—yeas, 81; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

On motion of Senator Allen,
The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, March 19, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Armistead,

Senator Johnson was excused for to-day, on account of important business.

On motion of Senator Upshaw,

Senator Jarvis was excused until Thursday, on account of sickness in his family.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bill:

Substitute Senate bill No. 247, a bill to be entitled "An act to ratify and confirm the title of the Gulf, Colorado and Santa Fe Railway Company to the Central and Montgomery railroad, and to the Chicago, Texas and Mexican Central railroad, and to all property of the companies which constitute said roads, and to authorize the said Gulf, Colorado and Santa Fe Railway Company to own and operate said road under its charter," under a suspension of the constitutional rule and by a two-thirds vote, yeas, 77; nays, none; with an amendment; and

House bill No. 592 1-2, a bill to be entitled "An act to amend the act creating the Thirty-fourth judicial district, and fixing the terms of court therein, and all acts amendatory thereof," under a suspension of the constitutional rule and by a two-thirds vote, there being yeas, 77; nays, none.

The House has concurred in the Senate amendments to

House bill No. 194, being "An act to amend sections 2 and 6 of chapter 131 of an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers, passed by the Twentieth